Remarks

Claims 1, 2 and 4-13 are pending.

Claims 2 and 9 are withdrawn.

Claims 1, 4-8 and 10 stand rejected.

Claims 11-13 are subject to restriction.

Claim 1 and 11 are amended.

Claims 1, 4-8 and 10-13 are submitted herein for review.

No new matter has been added.

In paragraph 1 of the Office Action, the Examiner has issued a restriction of the

previously added claims 11-13. Applicant has amended claim 11 to be a dependent claim from

independent claim 1 and respectfully requests that claims 11-13 be reviewed on the merits and in

view of the following comments regarding independent claim 1.

In paragraphs 2-7 of the Office Action, the Examiner has rejected the claims under 35

U.S.C. § 112 and 101 for being unclear in scope as to whether the claims were method or system

claims. Applicant has amended independent claim 1 accordingly to clarify that the intended

scope of claim 1 is for a method (to determine a malfunction), said method employing a series of

defined steps. Any mention of an apparatus in claim 1 is intended to give context to the method,

namely the fact that the determination of the malfunction is a determination of a malfunction that

occurs on an apparatus as recited in the pre-amble of claim 1. Applicant respectfully submits

that independent claim 1 is directed to the method as set forth in the various steps and requests

that these rejections be withdrawn. The remaining two antecedent basis issues in independent

claim 1 have been addressed as well.

Turning to the prior art, the Examiner claims that independent claim 1 is anticipated by or

obvious over Defosse et al. (U.S. Patent Publication No. 2007/0083287). Applicant respectfully

disagrees and submits the following remarks in response.

Applicant begins by noting that the cited version of Defosse ('287) has a filing date of

December 11, 2006, which in turn is a divisional of U.S. Patent No. 7,167,892 filed on

November 26, 2003. The present invention is a National Phase application claiming priority to

French Patent Application No. 02 08044 filed on June 27, 2002.

Therefore *this version* of Defosse is not prior art to the present invention.

Applicant further submits that the cited version of Defosse is in fact ultimately a C-I-P-

of U.S. Patent No. 7,18,1501 which was filed prior to the present application on October 4, 2001.

As such, for the purposes of evaluating the present rejection, Applicant has used the '501 version

of Defosse which is the latest version of the reference filed prior to the priority date of the

present invention.

The present invention as claimed in independent claim 1 is directed to a method for

diagnosing malfunctions occurring on an automatic terminal type apparatus for delivering goods

or services against payment, received at a means of payment, including the steps of calculating

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the value of at least one data item representative of an operation of the apparatus, where the at

least one data item representative of the operation of said apparatus is an amount of time that has

elapsed since a latest payment made with the means of payment and the time that is intended to

elapse as long as no other payment is made with the means of payment.

The calculated value is compared to a predetermined reference value and the occurrence

of a malfunction is deduced in the event the calculated value is superior to the predetermined

reference value.

As such, the present arrangement, discloses a method for determining the malfunction of

an automatic terminal type apparatus by calculating the delay between payments made at the

apparatus and comparing them against a threshold value (ie. an expected normal delay between

payments). If the delay exceeds the threshold a malfunction is determined.

In forming the rejection, Applicant notes that in the Office Action, the Examiner has cited

to paragraph [0131] of Defosse '287. However, paragraphs [0004 - 0008] and [0131]describe

only storing an audit data with associated timestamps to record occurrence times for individual

events and conditions with the vending machine. However, there is no indication in this

description of the nature of the events. Moreover, paragraph [0131] only describes that general

events data may be analyzed to determine if any internal error conditions have been logged and

to determine the power cycle history of vending machine 12 and/or audit device 18.

However, neither of these descriptions make any mention to *how* an error event is

detected, such as the specific manner in which the error is determined, unlike the present

invention as claimed in claim 1, which determines the error in the specific manner of calculating

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differential time lapse between payments between a calculated time and a predetermined

threshold time.

However, as noted above, this version of Defosse '287 is not even a reference under 35

U.S.C. § 102. Presuming that the Examiner may turn to Defosse '501 (which is a reference

against the present invention) it does not appear that the Defosse '501 patent contains a similar

paragraph to that [0131] cited in Defosse '287. The closest passage in Defosse '501 to the

present invention is found in column 6, lines 11 to 15 which recites:

> "Many vending machines 14 are equipped with electronics for controlling
> vending operations as well as tracking some vending events such as money
> received, change given and number of vends from each slot."

The remaining parts of Defosse '501 relate to systems and methods for sharing data

between vending machines, a control center and equipment agents.

There is nothing in this passage to suggest that there is any specific calculating steps of

time between payments and using these time calculations for determining the occurrence of a

malfunction.

As such, Applicant respectfully submits that the cited prior art Defosse, in either version

'287 or '501, does not teach or suggest all of the elements of the present invention as claimed.

For example, there is no teaching or suggestion in Defosse, that discloses calculating the value of

at least one data item representative of an operation of the apparatus, where the at least one data

item is *an amount of time that has elapsed since a latest payment made with the means of*

payment and the time that is intended to elapse as long as no other payment is made with the
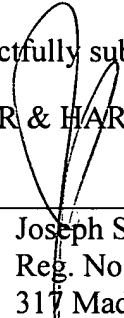
means of payment.

Likewise, there is no teaching or suggestion in Defosse that discloses, comparing the

calculated value to a predetermined reference value and deducing the occurrence of a

malfunction *in the event the calculated value is superior to the predetermined reference value.*

As such, Applicant respectfully requests that the prior art rejection of independent claim

1 be withdrawn. Also, as claims 4-8 and 10-13 depend from independent claim 1, these

rejections should be withdrawn as well for at least the same reasons set forth above.

In view of the foregoing, Applicant respectfully submits that pending claims 1, 4-8 and

10-13 are in condition for allowance, the earliest possible notice of which is earnestly solicited.

If the Examiner feels that an interview would facilitate the prosecution of this Application they

are invited to contact the undersigned at the number listed below.

Respectfully submitted,

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